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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,922	03/28/2007	Carsten Detlefs	056982/65	7636

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EXAMINER	
WILLIAMS, THOMAS J	

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
03/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

klpatent@kramerlevin.com

Office Action Summary	Application No.	Applicant(s)	
	10/565,922	DETLEFS ET AL.	
	Examiner	Art Unit	
	Thomas J. Williams	3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed November 25, 2009.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,276,761 to Beck.

Re-claim 1, Beck discloses a method for refilling service-brake circuits in a vehicle compressed air system after rapid compressed air consumption or loss, comprising the steps of establishing a pneumatic communication between intact service brake circuits (2.1 and 2.2) of a plurality of compressed air consumer circuits of a vehicle compressed air system and at least one additional compressed air consumer circuit (2.4 or high pressure circuit 30) having a compressed air reservoir (see column 5 lines 14-18 and lines 38-53), the pressure of which is at least equal to the pressure in the intact ones of service brake circuits, since this pressure is higher than the intact service brake circuits. Each of the circuits is provided with a reservoir (see column 4 lines 43-44).

Re-claim 2, pressure sensors are associated with each circuit, solenoid valves 21-25 are controlled in accordance with sensed values.

Re-claim 3, the threshold values are minimum pressure values.

Re-claim 4, the communication is interrupted, or ceases, once an index value (interpreted as a minimum pressure value) is reached in the service brake circuit.

Re-claim 12, the variable state value is a pressure value.

4. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 810 136 A1 to Bornhof et al.

Re-claim 1, Bornhof et al. disclose a method for refilling service-brake circuits in a vehicle compressed air system after rapid compressed air consumption or loss, comprising the steps of establishing a pneumatic communication between intact service brake circuits (circuit 1) of a plurality of compressed air consumer circuits of a vehicle compressed air system and at least one additional compressed air consumer circuit (circuits 2 or 3) having a compressed air reservoir, the pressure of which is at least equal to the pressure in the intact ones of service brake circuits, since this pressure is higher than the intact service brake circuits. Communication is achieved by opening valves 41 or 51 located between circuits 1 and 2 or circuits 1 and 3, respectively.

Re-claim 2, pressure sensors are associated with each circuit, solenoid valves 11, 40 and 50 are controlled in accordance with sensed values.

Re-claim 3, the threshold values are minimum pressure values.

Re-claims 4 and 9, the communication is interrupted, or ceases, once an index value (interpreted as a minimum pressure value) is reached in the service brake circuit.

Re-claims 5, 6 and 11, Bornhof et al. disclose a system for refilling service brake circuits in a vehicle compressed air system after a rapid consumption or loss, comprising: a compressed air supply part 4 having a compressor, a plurality of compressed air consumer circuits including

a service brake circuit 1 and at least one additional compressed air consumer circuit 3 having reservoirs, electrically actuated valves 11, 21, 31, 41 and 51 are controlled for supplying air to the compressed air consumer circuits, sensors 15, 25 and 35 monitor air pressure in each circuit, an ECU 5 evaluates electrical signals from the pressure sensors and control the valves accordingly, valves 21, 31, 41 and 51 are normally closed valves, valve 11 is a normally open valve associated with the service brake circuit, a detected drop in pressure or defect in the service brake circuit results in closure of valve 11 (as per instant claims 5 and 6), whereupon a communication is established with the service brake circuit with at least one of circuit 2 or circuit 3 via normally closed valves 41 and/or 51.

Re-claim 7, the pressure level of the additional circuit must be higher than the service brake circuit, otherwise air pressure would not flow to the service brake circuit.

Re-claim 8, the actuatable valves are in communication with a common compressed air distributor line (i.e. the line emanating from compressor 4).

Re-claim 10, the threshold value is the air pressure value of the service brake circuit.

Re-claims 12 and 13, the variable state value is a pressure value.

Response to Arguments

5. Applicant's arguments filed November 25, 2009 have been fully considered but they are not persuasive. With respect to claim 1, the language fails to specifically imply the presence of a normally open valve, as argued by the applicant. As such the remarks appear to be more specific than the claim language. In addition, it appears that a high pressure reservoir, of the type disclosed in Beck (i.e. element 30), will have a pressure at least equal to the pressure in the intact service brake circuits, and more likely will have a pressure higher than the pressure in the service

brake circuits. Beck discloses that reservoir 30 can act as a reserve for the service brake circuits (see column 5 lines 51-53), as such this high pressure circuit must have at least a pressure equal to the service brake circuits and more likely greater than the service brake circuits if it is to act as a reserve. The above arguments are applicable with respect to Bornhof et al.

With respect to claim 5, the claim merely requires at least one of the actuatable valves be closed in the de-energized condition. Bornhof et al. meet this limitation, even though four of five valves are in this condition. The remaining one valve 11 is in the normally open condition as required by the claim limitation. This valve is associated with the service brake circuit. As such the rejections are maintained.

Conclusion

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

/Thomas J. Williams/
Primary Examiner, Art Unit 3657

February 23, 2010